

AMENDMENT TO H.R. 3309, AS AMENDED

OFFERED BY M____.

Page 1, strike line 9 and all that follows through the end of the bill and insert the following:

1 “(a) INITIAL RULEMAKING.—

2 “(1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of the Federal Com-
4 munications Commission Process Reform Act of
5 2011, the Commission shall commence a rulemaking
6 proceeding to consider procedural changes to its
7 rules to maximize opportunities for public participa-
8 tion and efficient decisionmaking.

9 “(2) CONSIDERATIONS.—The rulemaking pro-
10 ceeding described in paragraph (1) shall seek public
11 comment on whether and how the Commission
12 should—

13 “(A) establish procedures to ensure that
14 decisions are based upon a current and com-
15 plete rulemaking record;

16 “(B) set minimum comment periods for
17 comment and reply comment, subject to a de-
18 termination by the Commission that good cause

1 exists for departing from such minimum com-
2 ment periods, for—

3 “(i) significant regulatory actions, as
4 defined in Executive Order 12866; and

5 “(ii) all other rulemaking proceedings;
6 and

7 “(C) adopt and publish policies concerning
8 the submission of extensive new comments,
9 data, or reports towards the end of the com-
10 ment period.

11 “(b) PERIODIC REVIEW.—On the date that is 5 years
12 after the completion of the rulemaking proceeding under
13 subsection (a), and every 5 years thereafter, the Commis-
14 sion shall initiate a new rulemaking proceeding to continue
15 to consider such procedural changes to its rules as may
16 be in the public interest to maximize opportunities for
17 public participation and efficient decisionmaking.

18 “(c) EXECUTIVE ORDER COMPLIANCE.—Not later
19 than 1 year after the date of the enactment of the Federal
20 Communications Commission Process Reform Act of
21 2011, the Commission shall submit to the Committee on
22 Energy and Commerce of the House of Representatives
23 and the Committee on Commerce, Science, and Transpor-
24 tation of the Senate a report on the Commission’s
25 progress in complying with Executive Order 13579, in-

1 cluding its stated policy on cost-benefit analysis, pro-
2 motion of public participation, and retrospective analyses
3 of existing rules.

4 “(d) PUBLICATION REQUIRED.—The Commission
5 shall publish on a semiannual basis a compilation showing
6 the percentage of times within the prior 6-month period
7 that the Commission—

8 “(1) published each order, decision, report, or
9 action not later than 7 days after the date of the
10 adoption of such order, decision, report, or action;
11 and

12 “(2) included the specific language of the pro-
13 posed rule or the proposed amendment of an existing
14 rule in the notice of proposed rulemaking adopted by
15 the Commission.

16 “(e) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

17 “(1) IN GENERAL.—Notwithstanding section
18 552b of title 5, United States Code, a bipartisan
19 majority of Commissioners may hold a meeting that
20 is closed to the public to discuss official business
21 if—

22 “(A) a vote or any other agency action is
23 not taken at such meeting;

24 “(B) each person present at such meeting
25 is a Commissioner, an employee of the Commis-

1 sion, a member of a joint board established
2 under section 410, or a person on the staff of
3 such a joint board; and

4 “(C) an attorney from the Office of Gen-
5 eral Counsel of the Commission is present at
6 such meeting.

7 “(2) DISCLOSURE OF NONPUBLIC COLLABO-
8 RATIVE DISCUSSIONS.—Not later than 2 business
9 days after the conclusion of a meeting held under
10 paragraph (1), the Commission shall publish a dis-
11 closure of such meeting, including—

12 “(A) a list of the persons who attended
13 such meeting; and

14 “(B) a summary of the matters discussed
15 at such meeting, except for such matters as the
16 Commission determines may be withheld under
17 section 552b(c) of title 5, United States Code.

18 “(3) PRESERVATION OF OPEN MEETINGS RE-
19 QUIREMENTS FOR AGENCY ACTION.—Nothing in this
20 subsection shall limit the applicability of section
21 552b of title 5, United States Code, with respect to
22 a meeting of Commissioners other than that de-
23 scribed in paragraph (1).

1 “(4) DEFINITION.—The term ‘bipartisan ma-
2 jority’ means, when used with respect to a group of
3 Commissioners, that such group—

4 “(A) is a group of 3 or more Commis-
5 sioners; and

6 “(B) includes, for each political party of
7 which any Commissioner is a member, at least
8 1 Commissioner who is a member of such polit-
9 ical party, and, if any Commissioner has no po-
10 litical party affiliation, at least one unaffiliated
11 Commissioner.”.

